

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of Steve A. Herweck, *et al.*

Serial No.: 09/411,797

Filed: October 1, 1999

For: Expandable Fluoropolymer Device  
For Delivery Of Therapeutic Agents  
And Method Of Making

Attorney Docket No.: ATA-257



Group Art Unit: 3735

Examiner: Not Assigned

#3

BOX MISSING PARTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

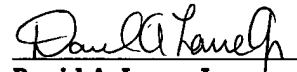
**Certificate of First Class Mailing (37 CFR 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

**November 19, 1999**

**Date of Signature and of Mail Deposit**

**By:**

  
**David A. Lane, Jr.**  
**Registration No. 39,261**  
**Attorney for Applicant**

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**FILING DATE GRANTED**

Sir:

Responsive to the *Notice To File Missing Parts Of Application - Filing Date Granted* dated 10/22/99, in connection with the above-referenced patent application, a signed Declaration, Petition and Power of Attorney is submitted herewith.

A check in the amount of **\$928.00** is enclosed to cover the total amount owed by Applicants including \$65.00 surcharge, \$380.00 basic filing fee, and \$483.00 additional claim fee based on small entity status.

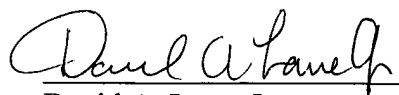
A copy of Form PTO-1533 (*Notice To File Missing Parts Of Application - Filing Date Granted*) is also enclosed herewith.

The Verified Statement (Declaration) Claiming Small Entity Status (37 CFR 1.9(f) and 1.27(c)) - Small Business Concern is submitted herewith.

A Request For Correction of Filing Receipt together with a photocopy of the Official Filing Receipt with changes highlighted in yellow.

Please charge any additional fees and credit any overpayments associated with this correspondence to Deposit Account 12-0080. A duplicate copy of this paper is enclosed. If there are any problems, please call the undersigned at the telephone number indicated below.

Respectfully submitted,



David A. Lane, Jr.  
Registration No. 39,261  
Attorney for Applicants

LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, MA 02109  
Tel. (617) 227-7400  
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Dated: November 19, 1999



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/411,797 10/01/99 HERWECK S ATA-257

000959  
LAHIVE & COCKFIELD  
28 STATE STREET  
BOSTON MA 02109



NOT ASSIGNED

3735

DATE MAILED:

10/22/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☐ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a

☐ small entity (statement filed) ☐ non-small entity is \$ 1856.00

- ☒ 1. The statutory basic filing fee is:  
☐ missing.  
☐ insufficient.

Applicant must submit \$ 760.00 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

- ☐ 2. The following additional claims fees are due:

\$ 576.00 for 32 total claims over 20.

\$ 390.00 for 5 independent claims over 3.

\$ \_\_\_\_\_ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

- ☒ 3. The oath or declaration:

☐ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

- ☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

- ☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

- ☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

- ☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

- ☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

- ☒ 9. OTHER: city 1st Inventor

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202